HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 193 OF 2002.
AGAINST
WRIT PETITION NO. 4337 OF 2002.

Mukand Ltd. ..Appellants.

Versus.

Mukand Staff & Officers' Association. ..Respondent.

Mr. Piyush Shah for the appellants.

CORAM: S.B.MHASE &
D.B.BHOSALE, JJ.

DATE: MARCH 31, 2005.

P.C.

1. This Letters Patent Appeal was admitted on 19th September 2002. At that time the order was passed that: Both parties agree that the writ petition itself be heard by the Division Bench instead of hearing the LPA, which is filed against the interlocutory order. LPA along with writ petition No.4337 of 2001 to be placed for final hearing on 17.10.2002. High on Board.

. However, the matter could not reach on board on that date. From this order it becomes crystal clear that in stead of hearing the LPA, which was preferred against the interlocutory order, it is proper to decide the writ petition itself on merit.

2. Presently, the Writ Petitions are not assigned to this Bench, only Letters Patent Appeals are assigned to this Bench. Therefore, the learned counsel Mr. Piyush Shah states that, in fact in view of this order the LPA has become infructuous and it will be appropriate to direct that the writ petition be disposed of on merit, expeditiously. We find from the submission made by the learned counsel that the mode suggested by the learned counsel is appropriate one. Therefore, we pass the following order.

O R D E R.

1. Accepting the statement of the learned counsel, we hold that the LPA has become infructuous and it is accordingly disposed off.

2. The hearing of Petition No. 4337 of 2001 is hereby expedited and we hope that the same will be disposed off expeditiously.

3. Liberty to the parties to mention before the appropriate bench for the fixed date of hearing.

4. In view of the disposal of the LPA, civil application, if any, does not survive. It is accordingly disposed off.

(D.B.BHOSALE,J.) **(S.B.MHASE, J.)**

:srp/2005/